

REMARKS

Filed concurrently herewith is a Request for a three Month Extension of Time which extends the shortened statutory period for response to December 17, 2004. Accordingly, Applicants' respectfully submits that this response is being timely filed.

The Official Action dated June 17, 2004 has been received and its contents carefully noted. In view thereof, the title has been amended in order to better defined that which Applicant regards as the invention, the drawings and specification have been amended to overcome the informalities noted by the Examiner, and claims 1-69 have been canceled in favor of new claims 70-85 in order to more clearly define that which Applicants regard as the invention. Accordingly, claims 70-85 are presently pending in the instant application.

Referring now in the Official Action, and particularly page 2 thereof, the Applicant hereby confirms the election of claims 10-24 and 28 for prosecution on the merits in the instant application. As can be seen from the foregoing amendments, these claims have been canceled in favor of new claims 70-85 which are directed to the same species of invention as that of previous claims 10-24 and 28. Accordingly, it is respectfully requested that the foregoing amendments be entered and fully considered by the Examiner.

With reference now to paragraph 3 of the Office Action, the Examiner notes that Figures 1-7 should be designated by a legend such as "prior art" because only that which is old illustrated. In this regard, filed concurrently herewith is a Submission of Substitute Formal Drawings wherein Figures 1-7 have been designated as prior art. Accordingly, it is respectfully submitted that Applicants' several Figures are now in proper formal condition for allowance.

Similarly, with reference to paragraph 4 of the Office Action the drawings have been objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference characters mentioned in the specification. Particularly, reference numeral 500 and 502 set forth on page 3, lines 14 and 15. In this regard, as can be seen in the foregoing amendments as well as the attached Submission of Substitute Formal Drawings, reference numeral 500 has been deleted from the specification and reference numeral 502 has been added to Figure 5. Accordingly, it is respectfully submitted that these Figures are now in proper formal condition for allowance.

Additionally, in paragraph 5 of the Office Action, the Examiner has objected to the drawings because they include reference characters not mentioned in the description. Specifically, reference 522 in Figure 5 and reference numerals 20, 46, 52, 54 and 76 set forth in Figure 7. In this regard, it is noted that reference numeral 522 is in fact set forth on page 3,

line 25 of Applicants' specification. As to reference numerals 20, 46, 52, 54 and 76, as can be seen from the attached Submission of Substitute Formal Drawings, reference numerals 20, 46, 52, 54 and 76 have been removed from Figure 7. Accordingly, it is respectfully submitted that Applicants' drawings are now in proper formal condition for allowance.

With reference now to paragraph 7 of the Office Action, the Examiner is of the position that the title of the invention is not descriptive. Furthermore, the Examiner suggest that the title be changed to "Method and System for Receiving and Recording Digital Broadcast Programs" again as can be seen from the foregoing amendments the title has been amended as suggested by the Examiner and is now in proper condition for allowance.

Referring now to paragraph 9 of the Office Action, claims 16-19 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner is of the position that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which in pertains, or with which it is most nearly connected, to make and or use the invention. Particularly, the Examiner is unclear as to where enabling support is found for "fetching all target fetch control data without specifying which fetch control data to fetch" or "fetching all target navigation data without specifying which navigation control data to fetch". Furthermore, the Examiner notes that the claim language appears contradictory in so far as it requires the fetching of targeted information without actually specifying what is actually being specified. In this regard, as can be seen from the foregoing amendments previous dependent claims 16-19 have been amended and are now set forth as new claims 76-78 and recite that "said restoring portion extracts all target fetch control data without specifying order of extracting the fetch control data to be extracted" while claim 79 recites "said restoring portion in the recording mode extracts all target navigation control data without specifying order of the navigation control data to be extracted". This is clearly supported by the specification and particularly pages 8-11 thereof. Accordingly, it is respectfully submitted that Applicants' claimed invention is now in proper formal condition for allowance.

Reference now to paragraph 11 of the Office Action, claims 10-13, 22-24 and 28 are rejected under 35 U.S.C. 102(a) as being anticipated by European Patent Publication No. 827336 issued to Shimoji et al. This rejection is respectfully traversed that the patent to Shimoji et al. neither discloses nor suggest that which is presently set forth by Applicants' claimed invention.

As can be seen from the foregoing amendments, independent claim 70, previous independent claim 10, has been set forth and recites a digital broadcast receiver which allows

a viewer to switch to content elements selected in response to an operation input by the viewer, including a receiving portion for receiving transmitted data, an operation receiving portion for receiving an operator operation, and a restoring portion for determining which content element to restore next based on the operation received by the operation receiving portion and in accordance with a navigation control data, for selecting a content element to be restored next out of content elements transmitted repeatedly, and for restoring the element for output, in a receiving mode; for restoring and recording a set of navigation control data and a set of content elements, in a recording mode; and for selecting a content element from a set of content elements for input, based on the operation received by the operation receiving portion and in accordance with the recorded navigation control data, in a reproducing mode, wherein the restoring portion that determines whether or not all content elements included in the sets of content elements have been recorded, in accordance with a received content element list in a recording mode. Particularly, the present invention is characterized in that a set of content elements as well as a set of navigation control data are recorded, in the recording mode. To achieve this purpose, content element list (VET_DII in Figure 16) and navigation list (NVT_DII Figure 15) are received and these list are used for determining whether or not all content elements and all navigation data have been recorded. Therefore, a set of content elements as well as a set of navigation control data can be recorded without missing the data.

With respect to the teachings of Shimoji et al., this reference merely discloses directly obtaining, recording and playing a set of content elements and a set of navigation data from several sets of content elements and navigation data. Shimoji et al. does not disclose that the content element list and the navigation list are received and that these list are used for determining whether or not all content elements and all navigation data have been recorded. Accordingly, it is respectfully submitted that Applicants' claimed invention has set forth in independent claim 70 as well as those claims which depend therefrom clearly distinguish over the teachings of Shimoji et al. and are in proper condition for allowance.

Similarly, with respect to independent claims 82-85, previous independent claims 22-24 and 28, these claims likewise recite that said recording portions determines whether or not all content elements included in the sets of content elements have been recorded, in accordance with a received content element list in the recording mode. Consequently, in that the patent to Shimoji et al. fails to disclose or remotely suggest this feature, it is respectfully submitted that each of independent claims 82-85 are likewise in proper condition for allowance.

With reference to paragraph 12 of the Office Action, claims 10, 22-24 and 28 have been rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,427,238 issued to Goodman et al. Again this rejection is respectfully traversed in that the patent to Goodman et al. fails to disclose or suggest that which is presently set forth by Applicants' claimed invention.

Particularly, as noted hereinabove with respect to Shimoji et al., Goodman et al. likewise neither discloses or suggest that said recording portion determines whether or not all content elements included in the sets of content elements have been recorded, in accordance with a received content element list in the recording mode. Accordingly, it is respectfully submitted that independent claims 70 and 82-85 clearly distinguish over the teachings of Goodman et al.

With reference now to paragraph 15 of the Office Action, claims 20 and 21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Shimoji et al. in view of European Patent Publication 830019 issued to Watanabe et al. This rejection is likewise respectfully traversed that the patent to Watanabe et al. does nothing to overcome the aforementioned shortcomings associated with the teachings of Shimoji et al.

Initially, it is noted that previous dependent claims 20 and 21 are now set forth as new claims 80 and 81 which are either directly or indirectly dependent upon independent claim 70 and include all the limitations thereof. Accordingly, it is respectfully submitted that these claims are in proper condition for allowance for the reasons discussed hereinabove.

Furthermore, with respect to the claims 80 and 81, the expiration date is transmitted corresponding to a set of content elements or a set of navigation control data. That is, the expiration data is not described in each content elements but in the content elements list (VET_DII in Figure 16) or navigation list (NVT_DII in Figure 15). In accordance with the present invention, the receiver can judge whether expiration data expires or not by obtaining the content elements list or the navigation list and without reading each content element or navigation control data. Therefore, the receiver in accordance with the present invention processes data quickly.

With respect to the teachings of Watanabe et al., this reference discloses including script which displays information at predetermined times into the navigation control data. In Watanabe et al., the receiver must read the navigation data to know the time to be executed. Accordingly, in this manner the receiver of Watanabe et al. can not process information quickly. Therefore, it is respectfully submitted that dependent claims 80 and 81 clearly distinguish over the teachings of Shimoji et al. when taken alone or in view of the teachings of Watanabe et al.

Referring now to paragraph 16 of the Office Action, claims 14 and 15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Shimoji et al. in view of European Patent Publication 82734 issued to Mori et al. In this regard, it is noted that the Examiners PTO-892 form refers to European Patent Publication 827240 as being issued to Braun et al. however is believed that this reference should be designated as EP 827340 and issued to Mori et al. Accordingly, it is respectfully requested that a corrected form PTO-892 be prepared in conjunction with the allowance of the present application.

With respect to the teachings of Mori et al. it is respectfully submitted this reference clearly fails to disclose and remotely suggest the content element list and the navigation list which can be used for checking whether or not all content elements and all navigation data have been recorded as is recited by Applicants' claimed invention. Accordingly, the disclosure of Mori et al. fails overcome the aforementioned shortcoming associated with the teachings of Shimoji et al. and consequently, it is respectfully submitted that claims 74 and 75 which correspond to previous claims 14 and 15 are in proper condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, that claims 70-85 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



Donald R. Studebaker
Registration No. 32,815

Nixon Peabody LLP
401 9th Street, N.W.
Suite 900
Washington, DC 20004-2128
(202) 585-8000